

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2120 of 1984

Date of decision: 13-09-96

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHARUCH MILL MAZDOOR UNION

Versus

BABUBHAI YASINKHAN PATHAN

Appearance:

None present for Petitioners

Mr. S.J. Dave for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/09/96

ORAL JUDGEMENT

The counsel for the respondents states that by passage of time this special civil application would have become infructuous. I find sufficient justification in this contention of the counsel for the respondents. The controlling authority made order for payment of gratuity to the petitioner. That amount has not been paid by respondents No.1, and therefore the controlling authority

has issued certificate for recovery of the said amount. This certificate has been sent to respondent No.2 for effecting recovery of the amount. Respondent No.2 has not effected recovery. Hence the special civil application praying for directing to respondent No.2 to release the amount of gratuity with interest as required under section 8 of the Payment of Gratuity Act, 1972. This petition has been filed in the year 1983 and during the last thirteen years the amount of gratuity would have been released. The counsel for the petitioner is also not present, which also shows that nothing survives in this special civil application. It is difficult to believe that all these years the amount of gratuity would not have been released by respondent No.1. Having given my thoughtful consideration to all these facts I agree with the learned counsel for respondent that by passage of time this writ petition has become infructuous. Order accordingly. Rule discharged.

.....

csn